

**Notice of Allowability**

Application No.

09/833,531

Examiner

Feben M. Haile

Applicant(s)

OLESINSKI ET AL.

Art Unit

2663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed October 12, 2005.
2. ☒ The allowed claim(s) is/are 1, 3-14, 16-18, 20, 22-30, and 33-34 (amended as 1-28).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. Authorization for this examiner's amendment was given in a telephone interview with Robert Nakano on October 14, 2005.

The application has been amended as follows:

**Claim 1.** (currently amended) A method of defining an order for sending a plurality of request for statistics to an associated plurality of nodes in a communication network, on or more requests of said plurality of requests being associated with an individual node of said associated plurality of nodes and each of said associated plurality of nodes having one or more node attributes, said method comprising steps of:

defining for each node of said associated plurality of nodes a translated value related to a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes [,.] ;

after all translated values of said associated plurality of nodes are defined, defining a sequence for sending said plurality of requests to be sent to said associated plurality of nodes, said sequence based on said value of said selected node attribute and a ranking of said all translated values;

initiating each of said plurality of requests according to said sequence.

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**Claim 20.** (currently amended) An apparatus for use in a statistics collection unit in a communication network, said apparatus comprising:

a device defining a sequence for sending a plurality of requests for statistics to be sent from said statistics collection unit to an associated plurality of nodes of said plurality of nodes ~~in said segment~~ and defining for each node of said associated plurality of nodes a translated value related to said value of said selected node attribute prior to said defining said sequence,

wherein for said device

one ~~or more requests~~ request of said plurality of requests is associated with an individual node of said associated plurality of nodes;

each of said associated plurality of nodes has one or more node attributes;

said sequence is based on a ranking of ~~said associated plurality of nodes based on a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes~~ all of translated values; and

said device initiates each of said plurality of requests according to said sequence.

**Claim 21.** (currently cancelled)

**Claim 25.** (currently amended) The apparatus for use in a statistics collection unit as claimed in Claim 24, wherein said upper bound number for said each of said associated plurality of nodes is separately defined for said each of said associated plurality of nodes ~~in said segment~~.

**Claim 30.** (currently amended) A computer executable program embodied on a computer readable medium for use on a communication network, said communication network comprising a plurality of nodes, said computer executable program executing the steps of:

defining a sequence for sending a plurality of requests for statistics to an associated plurality of ~~[[said]]~~ nodes of said plurality of nodes by ~~selecting two or more of said node attributes and for each of said two or more of said node attributes and ranking said associated plurality of nodes based on said value of said each of said two or more of said node attributes, one or more requests of said plurality of requests being associated with an individual node of said associated plurality of nodes and each of said associated plurality of nodes having one or more node attributes, said sequence being based on a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes; and~~

defining for each of said associated plurality of nodes a translated value related to a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes; and

after all translated values of said associated plurality of nodes are defined, defining a sequence for sending said plurality of requests to be sent to said associated plurality of nodes, said sequence based on said value of said selected node attribute and a ranking of said all translated values;

and

initiating each of said plurality of requests according to said sequence.

**Claim 31.** (currently cancelled)

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

**Regarding claim 1,** the prior art of record fails to disclose, teach, or fairly suggest "...defining for each node of said associated plurality of nodes a translated value related to a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes; and after all translated values of said associated plurality of nodes are defined, defining a sequence for sending said plurality of requests to be sent to said associated plurality of nodes, said sequence based on said value of said selected node attribute and a ranking of said all translated values...".

**Regarding claim 14,** the prior art of record fails to disclose, teach, or fairly suggest "...a translation module defining for each of node of said associated plurality of nodes a translated value related to said value of said selected node attribute prior to definition of said sequence by said by said sequencing module, wherein said sequencing module utilizes a ranking of all translated values of said associated plurality of nodes to define said sequence".

**Regarding claim 20,** the prior art of record fails to disclose, teach, or fairly suggest "...defining for each node of said associated plurality of nodes a translated value related to said value of said selected node attribute prior to said defining said sequence; and said sequence is based on a ranking of all translated values...".

**Regarding claim 30**, the prior art of record fails to disclose, teach, or fairly suggest "...defining for each of said associated plurality of nodes a translated value related to a value of a selected node attribute of said one or more node attributes of each of said associated plurality of nodes; and after all translated values of said associated plurality of nodes are defined, defining a sequence for sending said plurality of requests to be sent to said associated plurality of nodes, said sequence based on said value of said selected node attribute and a ranking of said all translated values...".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Ali et al. (Us 2003/0115508), System and Method for Collecting Statistics for a Communciation Network

b) Akahane et al. (US 2005/0013300), Packet Forwarding Device Equipped with Statistics Collection Device and Statistics Collection Method

c) Trofin et al. (US 6,661,778), Method and Apparatus for Statistics Collection in a Data Communication Network

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Feben M. Haile whose telephone number is (571) 272-3072. The examiner can normally be reached on 6:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICKY NGO  
PRIMARY EXAMINER

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